

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT M. GERBER, AS TRUSTEE OF THE  
ROSALIE GERBER TRUST, *et al.*,

Plaintiffs,

v.

ROBERT S. BOWDITCH, JR., *et al.*,

Defendants.

CIVIL ACTION NO. 05-10782-DPW

**MOTION FOR LEAVE TO ADMIT PAUL MCDONALD TO  
APPEAR AND PRACTICE *PRO HAC VICE***

Pursuant to LR 83.5.3, Daniel J. Murphy, of the law firm of Bernstein, Shur, Sawyer & Nelson, P.A., 100 Middle Street, Portland, Maine, counsel of record for plaintiffs Robert M. Gerber, as Trustee of the Rosalie Gerber Trust, William J. and Jayne Gilligan, husband and wife, and Sanford R. and Beth L. Hoffman, husband and wife ("Plaintiffs"), hereby moves the Court for leave to admit Paul McDonald, also of Bernstein, Shur, Sawyer & Nelson, to appear and practice *pro hac vice* as counsel for the Plaintiffs in this action.

As set forth in the attached Certificate of Visiting Attorney, which is incorporated herein by reference, Mr. McDonald is a member of the bars of the states of Maine, New York, and New Jersey; the Commonwealth of Pennsylvania; the United States District Courts for the Districts of Maine, New Jersey, the Western District of Michigan, the Southern District of New York, and the Eastern and Middle Districts of Pennsylvania; and the Third Circuit Court of Appeals. Mr. McDonald: (1) is a member of the bar in good standing in every jurisdiction where he has been admitted to practice; (2) is not subject to any disciplinary proceedings against him as a member of the bar in any jurisdiction; and (3) is familiar with the Local Rules of this Court.

In this action, Mr. McDonald shall be associated with myself, John J. O'Connor of the law firm of Peabody & Arnold, and who is also counsel of record in this action, or another member of the bar of this Court upon whom all process, notices and other papers filed with the Court and whose attendance at any proceeding may be required by the Court.

I was admitted to practice in the courts of the Commonwealth of Massachusetts on December 13, 2002 and this Court on February 17, 2005. Mr. O'Connor was admitted to practice in the courts of the Commonwealth of Massachusetts in December, 1989 and this Court in 1990. Both Mr. O'Connor and I are and have at all times been members in good standing of the bars of the Commonwealth of Massachusetts and this Court.

WHEREFORE, I, Daniel J. Murphy, hereby move this Court for leave to admit Paul McDonald to appear and practice *pro hac vice* as counsel for the Plaintiffs in the above-captioned case, and for such other and further relief as the Court deems just.

Dated: April 25, 2005

Respectfully submitted,



By: Daniel J. Murphy  
Bernstein, Shur, Sawyer & Nelson, P.A.  
Mass. BBO No.: 656021  
100 Middle Street  
P.O. Box 9729  
Portland, Maine 04104-5029  
Tel. (207) 774-1200

Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served a copy of the attached Plaintiffs' Motion for Leave to Admit Paul McDonald to Appear and Practice *Pro Hac Vice* by first class mail on the following:


Robert S. Bowditch  
99 High Street  
Brookline, MA 02146

Gerald Slavet  
15 Winthrop Road  
Wellesley, MA 02482

Steven Rioff  
25 Oakland Street  
Lexington, MA 02420

BSR Associates  
220 Forbes Road  
Braintree, MA 02184

Dated: April 27, 2005.

  
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John J. O'Connor

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10644-90291

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ROBERT M. GERBER, AS TRUSTEE OF THE  
ROSALIE GERBER TRUST, *et al.*,

Plaintiffs,

v.

ROBERT S. BOWDITCH, JR., *et al.*,

Defendants.

CIVIL ACTION NO. 05-10782-DPW

**ORDER GRANTING MOTION FOR LEAVE TO  
ADMIT PAUL MCDONALD TO APPEAR AND  
PRACTICE *PRO HAC VICE***

This matter having come before the Court upon the Motion for Leave to Admit Paul McDonald to Appear and Practice *Pro Hac Vice* filed by Daniel J. Murphy, counsel for plaintiffs Robert M. Gerber, as Trustee of the Rosalie Gerber Trust, William J. and Jayne Gilligan, husband and wife, and Sanford R. and Beth L. Hoffman, husband and wife ("Plaintiffs"), it is hereby **ORDERED** that the Motion is granted, and that Paul McDonald of the law firm of Bernstein, Shur, Sawyer & Nelson, P.A., 100 Middle Street, Portland, Maine, is hereby admitted to appear and practice in this Court *pro hac vice* in the above-captioned case.

Dated:

Hon. Douglas P. Woodlock  
United States District Court  
for the District of Massachusetts